

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CANDACE SMITH,

Plaintiff,

v.

JERRY DYER and MARAGET MIMS,

Defendants.

Case No. 1:24-cv-01288 JLT EPG

**ORDER ADOPTING IN FULL THE
FINDINGS AND RECOMMENDATIONS,
DISMISSING THE ACTION, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE**

(Doc. 4)

Candace Smith seeks to hold Jerry Dyer and Maraget Mims¹ liable for several criminal acts including—but not limited to—stalking, harassment, attempted murder, and “using power [and] influence to get sex,” invasion of privacy, and hacking. (*See* Doc. 1 at 5.) Because Plaintiff is proceeding in forma pauperis, the magistrate judge screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915(e)(2). (Doc. 4.)

The magistrate judge found “Plaintiff’s complaint fails to comply with Rule 8 of the Federal Rules of Civil Procedure, and the Court lacks subject-matter jurisdiction over this action.” (Doc. 4 at 7; *see also id.* at 3-7.) In addition, the magistrate judge determined “Plaintiff should not be granted leave to file an amended complaint in light of both Plaintiff’s extensive history with deficient filings in this District and the apparent futility in doing so.” (*Id.*) Therefore, the

¹ Plaintiff refers to Ms. Mims as “Maraget,” “Maragret” and “Margret.” (Doc. 1 at 1, 2, 5.) For the sake of consistency, the Courts simply adopts the spelling in the caption of Plaintiff’s complaint.

1 magistrate judge recommended the Court dismiss this action “without prejudice and without leave
2 to amend.” (*Id.*)

3 The Court served the Findings and Recommendations on Plaintiff and notified her that
4 any objections were due within 30 days. (Doc. 4 at 7.) The Court advised Plaintiff that the
5 “failure to file objections within the specified time may result in the waiver of rights on appeal.”
6 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
7 objections, and the time to do so has passed.

8 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.
9 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
10 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 11 1. The Findings and Recommendations dated November 26, 2024 (Doc. 4) are
12 **ADOPTED** in full.
- 13 2. Plaintiff’s complaint is **DISMISSED** without leave to amend and without
14 prejudice.
- 15 3. The Clerk of Court is directed to close this case.

16
17 IT IS SO ORDERED.

18 Dated: **January 8, 2025**


UNITED STATES DISTRICT JUDGE